

ORIGINAL



0000041346

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER - CHAIRMAN
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2006 MAR 21 P 4:36

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT OF ACCIPITER
COMMUNICATIONS, INC., AGAINST
VISTANCIA COMMUNICATIONS, L.L.C.,
SHEA SUNBELT PLEASANT POINT, L.L.C.,
AND COX ARIZONA TELCOM, LLC.

DOCKET NO. T-03471A-05-0064

NOTICE OF FILING

Pursuant to the February 13, 2006 Procedural Order, Cox Arizona Telcom, LLC ("Cox") hereby files its responses to Staff's 8th set of data requests in this docket, excluding the competitively sensitive attachments that set forth certain Cox business contact information and preferred marketing agreement information, both of which would divulge Cox's marketing strategies.

RESPECTFULLY SUBMITTED this 21st day of March 2006.

COX ARIZONA TELCOM, LLC.

By

Michael W. Patten
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Original and 13 copies of the foregoing
filed this 21st day of March 2006 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Copy of the foregoing hand-delivered/mailed
2 this 21st day of March 2006 to:

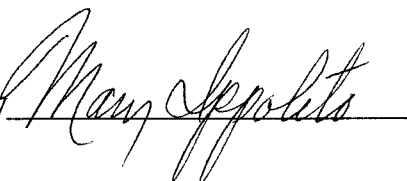
3 Dwight Nodes, Esq.
4 Administrative Law Judge
5 Hearing Division
6 Arizona Corporation Commission
7 1200 West Washington Street
8 Phoenix, Arizona 85007

9 Maureen A. Scott, Esq.
10 Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Ernest G. Johnson
15 Director, Utilities Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Martin A. Aronson
20 William D. Cleaveland
21 Morrill & Aronson, P.L.C.
22 One East Camelback Road, Suite 340
23 Phoenix, Arizona 85012

24 Michael M. Grant, Esq
25 Gallagher & Kennedy
26 2575 East Camelback Road
27 Phoenix, Arizona 85016

By 

ROSHKA DEWULF & PATTEN

ROSHKA DEWULF & PATTEN, PLC
ATTORNEYS AT LAW
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET
SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

March 21, 2006

HAND-DELIVERED

Maureen A. Scott, Esq.
Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

*Re: Cox Arizona Telcom, LLCs Response to Staff's Eighth Set of
Data Requests – Docket No. T-03471A-05-0064*

Dear Maureen:

Enclosed please find the initial response of Cox Arizona Telcom, L.L.C. to Staff's 8th set of data requests in this docket. Some of the information is confidential and is being provided pursuant to the Protective Agreement in this docket.

Please contact me if you have any questions.

Sincerely,



Michael W. Patten

MWP/mi
Enclosures

cc: Constance Fitzsimmons, Legal Division
Armando Fimbres, Utilities Division

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.1 Please provide the names and contact information for all developers and homebuilders with whom Cox held discussions from July 2003 and February 2005.

RESPONSE: Please see the attached Confidential Exhibit 8-1.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.2 Please provide the names and contact information for all developers and homebuilders with whom "Cox certainly entered into preferred marketing agreements with developers and homebuilders" from July 2003 and February 2005.

RESPONSE: Please see the attached Confidential Exhibit 8-2.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.3 Please provide the names of all home developments associated with the question above.

RESPONSE: See response to STF 8.2.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.4 Please provide copies of all preferred marketing agreements associated with the developments in the question above.

RESPONSE: The preferred marketing agreements are voluminous and competitively sensitive. In discussions with Staff, Cox has agreed to make the agreements available for review at the Cox offices. Cox will provide confidential copies of any of the preferred marketing agreements that Staff requests after its review. A confidential list of those agreements is attached.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.5 For each development with which Cox entered into a preferred provider agreement from July 2003 and February 2005, please provide the following information as of 1-31-06: (1) the number of residence homes occupied; (2) the number of residence homes sold but not yet occupied; (3) the number of homes completed but not yet sold; (4) the number of homes with Cox telecommunications service installed; and (5) the number of homes with pending orders for Cox telecommunications service.

RESPONSE: Cox objects to the following data request on the grounds that it asks for information to which Cox would not have access. For example, Cox would not have knowledge of items (1), (2) and (3) as only the developer and or home builder would have that information. For request (4), please see the attached Confidential Exhibit 8-5. Regarding request (5), Cox objects to this request on the grounds of it being irrelevant, overly broad and burdensome.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs

**Cox Arizona Telcom, L.L.C.'s
Responses To Staff's 8th Set Of Data Requests
Docket No. T-03481A-05-0064
March 21, 2006**

STF 8.6 Of the 861 customers referenced in Cox's response to DR 4.3, how many does Cox believe or estimate have canceled their Cox telecommunications service in favor (1) VoIP, (2) Wireless Services or (3) any other telecommunications alternative that under normal circumstances.

RESPONSE: Cox does not specifically track the reasons why customers disconnect their telephone services. Although some customers disconnect to gain service from a competitor of Cox, such as an ILEC, a VoIP provider, a wireless provider or another CLEC, other customers disconnect due to a move, the death of the account holder or some other event.

RESPONDENT: Mark DiNunzio
Director, Regulatory Affairs